

**Notice of Allowability**

Application No.

10/714,565

Applicant(s)

WATT ET AL.

Examiner

April Y. Shan

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 November 2007.
2. ☒ The allowed claim(s) is/are 1,3-11 and 13-21.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☒ SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☒ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20080129</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                    |
|  | 9. <input type="checkbox"/> Other _____  |

***DETAILED ACTION***

1. The Applicant's amendment, filed 26 November 2007, has been received and entered into the record, respectfully and carefully considered.
2. As a result of the amendment, claims 1 and 11 are amended. Claims 2 and 12 are canceled. Therefore, claims 1, 3-11 and 13-21 are pending in this application.

***Claim Rejections - 35 USC § 112***

3. As a result of the amendments to the claims, the examiner withdraws the pending claim rejection under 35 U.S.C. § 112.

***Claim Rejections - 35 USC § 101***

4. As a result of the amendments and explanations, the examiner withdraws the pending claim rejection under 35 U.S.C. § 101.
5. The examiner further notes that as per claims 1 and 3-10, the Applicant confirmed that the processor in claims 1 and 3-10 is a **hardware** processor (See interview summary). Also, for example on page 27, line 21 of the original disclosure which indicates that the response to interrupts, at least at first level, is performed by hardware. Additionally, "wherein when said processor is executing a program..." is being recited in claim 1. To a person with ordinary skill in the art a hardware processor is capable of executing program. Thus, the processor in the claims is a hardware processor and claims 1 and 3-10 are statutory.

***Terminal Disclaimer***

6. The Applicant's Terminal Disclaimer, filed 18 October 2007, has been received and entered into the record, and respectfully and carefully considered.
7. The Terminal Disclaimer has been approved by the office.

***Double Patenting***

8. As a result of the approved Terminal Disclaimer, the examiner withdraws the Double Patenting rejection.

***Response to Arguments***

9. Applicant's argument filed 11 November 2007 have been fully considered and they are persuasive (See allowable subject matter below)

***Allowable Subject Matter***

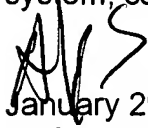
10. Claims 1, 3-11 and 13-21 are allowed.

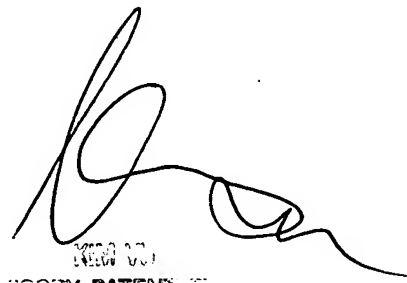
**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April Y. Shan whose telephone number is (571) 270-1014. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
January 29, 2008  
AYS

  
KIM Y. VU  
SUPERVISOR  
PATEM 3